

and annually thereafter, the Federal Trade Commission, in consultation with the Secretary of Commerce, shall submit to the appropriate congressional committees, the Secretary of Health and Human Services, the Committee on Foreign Investment in the United States, and the Commissioner of Food and Drugs, a report on foreign investment from the People's Republic of China in the pharmaceutical industry of the United States.

(b) ELEMENTS.—The report required by subsection (a) shall include an assessment of—

(1) the supply chain of the pharmaceutical industry of the United States and the effect of concentration and reliance on manufacturing in the People's Republic of China within that industry;

(2) the effect of foreign investment from the People's Republic of China in the pharmaceutical industry of the United States on domestic capacity to produce drugs and active and inactive ingredients of drugs; and

(3) the effect of foreign investment from the People's Republic of China in technologies or other products for sequencing or storage of DNA, including genome and exome analysis, in the United States, including the effect of such investment on the capacity to sequence or store DNA in the United States.

(c) AUTHORITY.—The Federal Trade Commission shall have authority under section 6 of the Federal Trade Commission Act (15 U.S.C. 46) to conduct the studies required to prepare the report required by subsection (a).

(d) PUBLICATION.—The Federal Trade Commission shall publish an unclassified summary of the report required by subsection (a) on a publicly available internet website of the Commission.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Banking, Housing, and Urban Affairs, the Committee on Health, Education, Labor, and Pensions, the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Commerce, Science, and Transportation, and the Committee on Appropriations of the Senate; and

(2) the Committee on Financial Services, the Committee on Energy and Commerce, the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SA 2035. Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

On page 261, strike lines 16 through 23 and insert the following:
Research of the National Science Foundation;

“(E) ensuring that at least one eligible consortium designated as a regional technology hub is headquartered in a low population State that is eligible to receive funding from the Established Program to Stimulate Competitive Research of the National Science Foundation; and

“(F) ensuring that no eligible consortium that is located in a State in which a national

laboratory is also located is designated as a regional technology hub.

SA 2036. Mr. BARRASSO (for himself, Mr. RISCH, Mr. CRUZ, Mr. CRAMER, Mr. CRAPO, and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title I of division C, add the following:

SEC. 3117. PROHIBITION ON RESTRICTIONS ON POWER-GENERATION PROJECTS BY UNITED STATES INTERNATIONAL DEVELOPMENT FINANCE CORPORATION IN CERTAIN COUNTRIES.

(a) PROHIBITION ON CERTAIN RESTRICTIONS ON POWER-GENERATION PROJECTS.—The United States International Development Finance Corporation (in this section referred to as the “Corporation”) shall not implement or enforce any rule, regulation, policy, procedure, or guideline that would prohibit or restrict the source of energy used by a power-generation project the purpose of which is to provide affordable electricity in an IDA-eligible country or an IDA-blend country.

(b) LIMITATION ON BOARD.—The Board of the Corporation shall not, whether directly or through authority delegated by the Board, reject a power-generation project in an IDA-eligible country or an IDA-blend country based on the source of energy used by the project.

(c) ALL-OF-THE-ABOVE ENERGY DEVELOPMENT STRATEGY.—The Corporation shall promote a technology- and fuel-neutral, all-of-the-above energy development strategy for IDA-eligible countries and an IDA-blend countries that includes the use of oil, natural gas, coal, hydroelectric, wind, solar, and geothermal power and other sources of energy.

(d) DEFINITIONS.—In this section:

(1) IDA-ELIGIBLE COUNTRY.—The term “IDA-eligible country” means a country eligible for support from the International Development Association and not the International Bank for Reconstruction and Development.

(2) IDA-BLEND COUNTRY.—The term “IDA-blend country” means a country eligible for support from both the International Development Association and the International Bank for Reconstruction and Development.

SA 2037. Mr. PORTMAN (for himself and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V of division B, insert the following:

SEC. 25. REGULATION OF FOREIGN MANUFACTURERS OF CYLINDERS USED IN TRANSPORTING HAZARDOUS MATERIALS.

(a) DEFINITIONS.—In this section:

(1) CYLINDER.—The term “cylinder” means any cylinder specified under any of sections 178.36 through 178.68 of title 49, Code of Federal Regulations (or successor regulations).

(2) FOREIGN MANUFACTURER OF CYLINDERS; FMOC.—The term “foreign manufacturer of cylinders” or “FMOC” means an entity that manufactures cylinders outside of the United States that are intended to be represented, marked, certified, or sold as qualified for use in transporting a hazardous material in commerce in the United States.

(3) IN GOOD STANDING.—The term “in good standing”, with respect to an FMOC, means that the FMOC—

(A) is approved by the Secretary pursuant to section 107.807 of title 49, Code of Federal Regulations (or a successor regulation); and

(B) has demonstrated 3 years of compliance with—

(i) part 107 of title 49, Code of Federal Regulations (or successor regulations); and

(ii) chapter 51 of title 49, United States Code.

(4) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

(b) APPROVAL OF FOREIGN MANUFACTURERS OF CYLINDERS.—

(1) IN GENERAL.—The Secretary shall promulgate regulations to provide that an approval provided to an FMOC pursuant to section 107.807 of title 49, Code of Federal Regulations (or a successor regulation), shall be for a period of not longer than 1 year, except as provided under paragraph (2).

(2) 5-YEAR APPROVAL.—The Secretary may provide a 5-year approval of an FMOC pursuant to section 107.807 of title 49, Code of Federal Regulations (or a successor regulation), if the following requirements are met:

(A) The FMOC attests that none of the cylinders made by the FMOC are prohibited from entry to the United States under section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

(B) The FMOC certifies that—

(i) the information provided pursuant to subsection (f) is accurate; and

(ii) the FMOC has a proactive responsibility to inform the Secretary if any such information materially changes.

(C) The FMOC provides proof of the minimum financial responsibility required under subsection (c).

(D) The Secretary determines that the FMOC is in good standing.

(3) FACILITY INSPECTIONS.—

(A) DEFINITION OF OBSTRUCTS.—In this subsection, the term “obstructs” means taking actions that are known, or reasonably should be known, to prevent, hinder, or impede an inspection.

(B) PENALTIES.—The Secretary may suspend or terminate an approval of an FMOC if the FMOC obstructs or prevents the Secretary from carrying out an inspection under section 107.807(c) of title 49, Code of Federal Regulations (or a successor regulation).

(4) INTERACTION WITH OTHER STATUTES, AGREEMENTS, REGULATIONS.—Nothing in this section may be construed to prevent the harmonization of cylinder standards otherwise authorized by law (including regulations).

(5) OTHER CAUSE FOR SUSPENSION OR TERMINATION.—The Secretary may suspend or terminate an approval of an FMOC on determination that the FMOC knowingly or intentionally misrepresented responses to the Secretary required by law (including regulations), including subsections (c) and (f).

(c) **PROOF OF MINIMUM FINANCIAL RESPONSIBILITY REQUIRED AT TIME OF APPLICATION.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to establish minimum levels of financial responsibility required for entities to receive approval pursuant to section 107.807 of title 49, Code of Federal Regulations (or a successor regulation).

(d) **REEVALUATION BY REQUEST FOR RELATED VIOLATIONS.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to establish a process for any interested party to request a reevaluation of the approval of FMOC cylinders under section 107.807 of title 49, Code of Federal Regulations (or a successor regulation), to review the accuracy and safety of the actions of the FMOC.

(2) **PETITION FOR REEVALUATION.**—The regulations promulgated under paragraph (1) shall allow an interested party to file a petition if that party has evidence of inaccurate, changed, or fraudulent attestations or responses made by an FMOC to the Secretary under subsection (b), (c), or (f).

(e) **NOTICE AND COMMENT FOR APPLICATIONS BY FOREIGN MANUFACTURERS OF CYLINDERS.**—On receipt of an application for approval under section 107.807 of title 49, Code of Federal Regulations (or a successor regulation), the Secretary shall timely publish notification of the application in the Federal Register and provide 30 days for public comment on the application prior to approval.

(f) **ADDITIONAL QUESTIONS TO ENSURE SAFETY AND COMPLIANCE WITH DOT PROCESSES.**—

(1) **ADDITIONAL QUESTIONS.**—The Secretary shall require, as part of an application for approval pursuant to section 107.807 of title 49, Code of Federal Regulations (or a successor regulation), that the applicant answer the following questions:

(A) Whether the FMOC applying, or any entity controlling more than 10 percent of that FMOC, has ever been subject to a civil monetary penalty under title 49, United States Code, relating to any actions carried out as an approved FMOC or during the application for approval under that section.

(B) Whether the FMOC applying, or any entity controlling more than 10 percent of that FMOC, has been delinquent in the payment of any civil monetary penalties or other fines or fees under title 49, United States Code.

(C) Whether the FMOC applying, or any entity controlling more than 10 percent of that FMOC, is subject to the Do Not Pay Initiative established under section 3354 of title 31, United States Code, as of the date of the application.

(D) Whether the FMOC applying, or any entity controlling more than 10 percent of that FMOC, is listed in the Military End User List of the Department of Commerce as of the date of the application.

(E) Whether the FMOC applying, or any entity controlling more than 10 percent of that FMOC, is identified by the Department of Defense as an entity listed under section 1237 of division A of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (50 U.S.C. 1701 note; Public Law 105-261) as of the date of application.

(F) Does the FMOC applying certify that—

(i) the FMOC has the requisite minimum financial responsibility as required under subsection (c); and

(ii) the financial responsibility will continue throughout entirety of the requested approval period.

(G) Whether the FMOC applying, or any entity controlling more than 10 percent of that FMOC, has been found guilty of a crimi-

nal penalty or assessed a civil penalty under section 1760 of division A of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (50 U.S.C. 4819).

(H) Whether the FMOC applying, or any entity controlling more than 10 percent of that FMOC, is subject to a final antidumping or countervailing duty order from the Department of Commerce as of the date of application.

(2) **DENIAL OF APPLICATION.**—The Secretary may deny an application for approval under section 107.709 of title 49, Code of Federal Regulations (or a successor regulation), based on the responses to the questions required under paragraph (1).

(g) **FOREIGN MANUFACTURERS LISTING APPROVALS.**—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall publish and maintain on the website of the Department of Transportation a list of approved foreign manufacturers of cylinders and the duration of those approvals.

(h) **AUTHORIZING FOREIGN INSPECTIONS.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall revise section 107.807(d) of title 49, Code of Federal Regulations—

(1) to require that in any case in which the Associate Administrator for Hazardous Materials Safety determines there is good cause, an inspection under that section shall be carried out annually for such duration as the Associate Administrator for Hazardous Materials Safety determines appropriate;

(2) to specify that a refusal of inspection under that section shall result in a loss of the status of in good standing;

(3) to allow the Associate Administrator for Hazardous Materials Safety to request, at the discretion of the Associate Administrator for Hazardous Materials Safety—

(A) production of test and production records; and

(B) random sample testing; and

(4) allow for the recovery of all associated costs of foreign inspections to include travel, time, and other costs, as determined by the Secretary.

SA 2038. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 2107(c), add the following: “The Director shall require, to the extent practicable as determined by the Director, not less than 20 percent of the cost of a research and development activity described in subsection (a) to be provided by a non-Federal source, which may include in-kind contributions.”.

SA 2039. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation,

manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

In section 6111, insert at the end the following:

(j) **LIMITATION.**—In carrying out this section and section 6112, the Secretary shall ensure that no Federal funding is made available for any program under either section that duplicates another federally funded program.

SA 2040. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 967, strike line 11 and all that follows through page 972, line 9, and insert the following:

(d) **APPOINTMENT.**—The President shall appoint, by and with the consent of the Senate, an Ambassador-at-large for Arctic Affairs who shall—

(1) be responsible for Arctic affairs; and

(2) report directly to the Secretary of State.

(e) **DUTIES.**—The Ambassador-at-large for Arctic Affairs shall—

(1) facilitate the development and coordination of United States foreign policy in the Arctic Region relating to—

(A) strengthening institutions for cooperation among the Arctic nations;

(B) enhancing scientific monitoring and research on local, regional, and global environmental issues;

(C) protecting the Arctic environment and conserving its biological resources;

(D) promoting responsible natural resource management and economic development; and

(E) involving Arctic indigenous people in decisions that affect them;

(2) coordinate the diplomatic objectives with respect to the activities described in paragraph (1), and, as appropriate, represent the United States within multilateral fora that address international cooperation and foreign policy matters in the Arctic Region;

(3) help inform, in coordination with the Bureau of Economic and Business Affairs, transnational commerce and commercial maritime transit in the Arctic Region;

(4) coordinate the integration of scientific data on the current and projected effects of emerging environmental changes on the Arctic Region and ensure that such data is applied to the development of security strategies for the Arctic Region;

(5) make available the methods and approaches on the integration of environmental science and data to other regional security planning programs in the Department of State to better ensure that broader decision making processes may more adequately account for the changing environment;

(6) assist with the development of, and facilitate the implementation of, an Arctic Region Security Policy in accordance with subsection (g);

(7) use the voice, vote, and influence of the United States to encourage other countries and international multilateral organizations